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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHAH, AMEE A

ART UNIT PAPER NUMBER

3625

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,432

Applicant(s)

HYPPA ET AL.

Examiner

Amea A. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-21, 25, and 26 are pending in this action.

Response to Amendment

Applicant's amendment, filed August 2, 2005, is acknowledged and entered. Claims 1, 8, and 25 have been amended. Claims 22-24 have been withdrawn. Claim 26 has been added.

The amendments to the title and specification have been accepted, and the relevant objections are withdrawn.

Response to Arguments

Applicant's arguments filed August 2, 2005, (*see* Remarks pages 10-12) regarding the claims have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's amended claims.

Examiner Note

Examiner cites particular pages, columns, paragraphs, and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Objections

Amended Claim 8 is objected to because of the following informalities: it states “by the producer the object” (Remarks, page 6) and should likely read --by the producer of the object--. Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of 35 U.S.C. 102(e) that forms the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-10, 13, 14, 16, 17, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Levy et al., US Pat. No. 6,505,160 (“Levy et al.”).

Referring to claim 1. Levy et al. discloses a method in a system wherein a user equipment and another party are enabled to exchange transaction data, the method comprising:

- generating a data entity that associates with a transaction (Fig. 1 and col. 3, line 50 through col. 4, line 13 – note that the data entity generator is the embedding process and the data entity is the identifier);
- including information of an object that associates with the transaction in the data entity (col. 3, line 24 through col. 4, line 13 – note that examples of the information about the object include title and artist name, name of distributor, etc.);

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- transmitting the data entity to the user equipment over a wireless interface (Fig. 1 and col. 3, lines 12-15, col. 4, lines 25-32, and col. 5, lines 51-67); and
- downloading to the user equipment additional information that associates with the transaction based on said information of the object (col. 3, lines 12-15, col. 4, lines 25-32 and 40-61 – note that the additional information can be music samples or other content).

Referring to claims 2, 3, 7 and 8. Levy et al. further discloses the method as claimed in claim 1, wherein the information of the object comprises a communication network address of the object (claim 2), wherein the information of the object comprises a universal resource locator (URL) (claim 3), wherein the object comprises a site in a data network (claim 7) and wherein the site comprises a document that is retrievable from a server, said server being run by the producer of the object of the transaction (claim 8) (col. 2, lines 48-53, col. 5, lines 51-66, and col. 6, lines 43-51 – note that the document is the webpage of information).

Referring to claim 4. Levy et al. further discloses the method as claimed in claim 1, wherein the object comprises a storage means for storing information that associates with the subject of the transaction (col. 2, lines 38-61 - note that the storage means is enclosed in the identifier).

Referring to claim 5. Levy et al. further discloses the method as claimed in claim 1, wherein the user equipment initiates procedure for establishment of a communication media between the user equipment and the object based on said information of the object (Fig. 1 and

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col. 4, lines 33-61 - note that the user equipment initiating procedure is the decoding process in the player, tuner or device).

Referring to claims 9 and 10. Levy et al. further discloses the method as claimed in claim 1, wherein the additional information relates with at least one characteristic of the subject of the transaction (claim 9), and wherein the at least one characteristic relates to a specific product or service (col. 3, lines 12-15, col. 4, lines 20-32 and 40-61 – note that the additional information relating to at least one characteristic is a music sample).

Referring to claims 13 and 14. Levy et al. further discloses the method as claimed in claim 1, wherein an indicator is displayed to the user of the user equipment based on said information of the object (claim 13) and wherein the user may request additional information by selecting the displayed indicator (claim 14) (col. 6, lines 29-42 – note that the indicator is a window with user options).

Referring to claims 16 and 17. Levy et al. further discloses the method as claimed in claim 1, wherein the data entity is for provision of an offer (claim 16) and wherein the data entity is for provision of conditions for sale (claim 17) (col. 2, line 48 through col. 3, line 23 – note that the provision of an offer and of conditions for sale are the information about buying opportunities).

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Referring to claim 21. Levy et al. further discloses the method as claimed in claim 1, wherein the user equipment communicates via at least two different communication means (col. 4, lines 25-30 – note that the two different communication means are AM/FM broadcasting and a computer network).

Claims 1, 6, 11, 15, 18-20, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads, Pub. No. US 2004/0128514 A1 (“Rhoads”).

Referring to claim 1. Rhoads discloses a method in a system wherein a user equipment and another party are enabled to exchange transaction data, the method comprising:

- generating a data entity that associates with a transaction (page 6, ¶¶0075-0077 – note that the data entity generator is the encoding process and the data entity is the watermark);
- including information of an object that associates with the transaction in the data entity (page 6, ¶¶0078-0079 and page 10, ¶136 – note that examples of the information about the object include title and artist name);
- transmitting the data entity to the user equipment over a wireless interface (Fig. 1 and page 8, ¶0108, page 9, ¶0120, and page 10, ¶0136); and
- downloading to the user equipment additional information that associates with the transaction based on said information of the object (page 10, ¶0136 – note that the additional information is, for example, the tour schedule).

Referring to claim 6. Rhoads further discloses the method as claimed in claim 1, wherein the object is controlled by a third party (Fig. 4 and page 12, ¶0169 – note that the third party is a music provider).

Referring to claim 11. Rhoads further discloses the method as claimed in claim 1, wherein the additional information is provided by communication comprising speech (page 8, ¶¶0113-0115 – note that the communication comprising speech is the computer speech technology).

Referring to claim 15. Rhoads further discloses the method as claimed in claim 1, wherein the data entity is for provision of a receipt (page 14, ¶0188).

Referring to claim 18. Rhoads further discloses the method as claimed in claim 1, wherein the data entity is based on an electronic data card format (page 27, ¶¶0400-0406).

Referring to claim 19. Rhoads further discloses the method as claimed in claim 1, wherein the user equipment communicates with an element of a mobile communication network (Figs. 3 and 4 and page 2, ¶¶0016).

Referring to claim 20. Rhoads further discloses the method as claimed in claim 1, wherein the user equipment communicates via a local wireless link with another station (Figs. 1 and 4 and page 4, ¶0049 – note that the other station is the friend).

Referring to claim 25. Rhoads discloses a mobile user equipment adapted for processing electronic transactions, comprising:

- communication mechanism means for communicating with a remote unit to be provided with a data entity transmitted to the mobile user equipment by a remote unit, said data entity including transaction data and information of an object associated with the transaction (Fig. 3 and pages 1-2, ¶¶0009-0017 – note the communication mechanism means is the wireless interface); and
- control means for processing the data entity, said control means being adapted to request for additional information based on said information of the object (Fig. 3 and pages 1-2, ¶¶0009-0017 – note the control means is the processor).

Referring to claim 26. Rhoads discloses an apparatus for facilitating communication of transaction data with user entity, said apparatus comprising:

- communication means for transmitting a data entity to the user equipment over a wireless interface, the data entity including transaction data and information of an object associated with the transaction (Figs. 3 and 4 and pages 1-2, ¶¶0015-0017 – note the communication means is the relay station); and
- control means of the user equipment for processing the received data entity, said control means configured to request for additional information based on said information of the object (Fig. 3 and page 1, ¶¶0009-0011 – note the control means is the processor).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads in view of Nel, U.S. Patent No. 6,363, 364 B1 ("Nel").

Referring to claim 12. Rhoads discloses the method as claimed in claim 11, as analyzed and discussed above, but does not disclose wherein the user of the user equipment establishes a communication media with a person based on said information of the object. Nel, in the same field of endeavor of e-shopping, discloses and system and method for interactive data exchange, including a user base, remote network and telephone network, wherein the user establishes a communication media with a person based on information of an object (Nel, col. 5, lines 10-18 – note that the communication media is through the interactive voice response system).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Rhoads to include the teachings of Nel to allow for the user of the user equipment to establish a communication media with a person based on the information of the object. Doing so would provide the user with a fully interactive, and more convenient, method for conducting home shopping, as explicitly disclosed in Nel (col. 1, lines 12-17).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (1) Lee et al., U.S. Patent No. 6,374,177 B1, discloses a method and apparatus for providing navigational services in a wireless communication device, including wirelessly communicating with a device that can download data from a remote network and providing navigational and customized services (*see, e.g.*, Figs. 1-3 and columns 5-14); (2) Takayama et al., Pub. No. US 2002/0156802 A1, disclosing mobile terminals capable of conducting electronic commerce, music delivery and position information services (*see, e.g.*, Figs. 1-5 and pages 2-9); and (3) PR Newswire, *Smith Micro's Internet Solutions Division To Build Wireless E-Store For Landware's Handheld Products*, New York, Apr. 19, 2000, pg 1.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAS

December 14, 2005


J. C. GARG
Primary Examiner